

## **COMPLAINTS POLICY**

From time-to-time members of the public have complaints about the administration or procedures of a Parish, Town or Community Council. As Councils are not subject to the jurisdiction of the Local Ombudsman, there is no independent body to which the complainant can turn for an independent formal assessment of the position. For the benefit of good local administration, it is suggested that these Councils should adopt a standard and formal procedure for considering complaints either made by complainants direct or referred back to the Council from other bodies to whom they have been made.

The National Association of Local Councils has issued Circular 2/86 – Code of Practice in Handling Complaints as a way of ensuring that complainants can feel satisfied that at the very least their grievance has been properly and fully considered.

Councils are urged to do their utmost to settle complaints and satisfy complainants in the interests of the good reputation of the Council. If a complaint cannot be settled by the Council it may refer the complaint to another body for settlement (SLCC, NALC).

### **Conduct of Members**

Complaints relating to the conduct of Members shall immediately be referred to Dorset Council's Monitoring Officer and shall not be dealt with under the Parish Council's Complaints Procedure. Members must adhere to the Charminster Parish Council Code of Conduct.

<https://www.dorsetcouncil.gov.uk/w/arrangements-for-dealing-with-code-of-conduct-complaints-against-councillors>

### **Financial Irregularity**

If a complaint relates to a financial irregularity, local electors shall also be informed that they have a statutory right to object to the Council's audit of accounts pursuant to s.16 Audit Commission Act 1998.

### **Criminal Matters**

Complaints relating to criminal activity of any Member(s) or Officer(s) of the Council shall immediately be referred to the Police

### **Complaints about the Council's decisions or standards of service**

If a complaint is made verbally to a Member or the Clerk to the Council and it is not possible to satisfy the complainant fully at that time, the complainant shall be asked to put the complaint in writing to the Clerk to the Council and an assurance shall be given that it will be dealt with promptly following receipt.

Where the Clerk to the Council is the complainant, the letter shall be addressed to the Chair and referred to the full Parish Council or elected complaints committee. The committee would consist of the minimum of three members.

The Clerk to the Council or Chairman of the Council shall report to the next Meeting of the full Parish Council any written complaint that has been resolved by direct action with the complainant.

Where the Clerk to the Council has received a written complaint about his or her own actions, then he or she shall refer the complaint to the full Parish Council.

If a complainant has indicated that he or she would prefer not to make the complaint to the Clerk to the Council, then he or she shall be advised to make it to the Chair of the Council.

On receipt of a written complaint, the Clerk to the Council or Chair shall acknowledge receipt of the complaint within seven clear working days and advise the complainant when the matter is to be considered, either at a Parish Council Meeting or a Meeting of an elected complaints committee. The complainant shall also be advised whether the complaint will be treated as confidential.

The identity of the complainant shall only be made known to those who need to consider the complaint.

The complainant shall be invited to attend the meeting at which the complaint will be considered and shall be informed that he or she may also bring with them a representative if they so wish.

Seven clear working days prior to the meeting, the complainant shall provide the Parish Council with copies of any documentation or other evidence upon which he or she shall rely. The Parish Council shall, if requested, provide the complainant with any documentation upon which they shall rely at the Meeting and shall do so promptly, allowing the complainant the opportunity to read the material in good time for the Meeting.

The Clerk to the Council shall maintain a detailed register of all correspondence, telephone calls, meetings and action taken relating to the complaint.

Complaints relating to the Parish Council's decisions, actions, lack of action or standard of service shall be considered in the following manner.

- a. The complainant or the complainant's representative shall be given the opportunity to speak during a public adjournment of a Parish Council Meeting. The complainant or complainant's representative shall then outline the grounds for complaint and thereafter may be asked questions by Members or the Clerk to the Council.
- b. Provided that the complaint has been received in writing and relates to a Parish Council decision, action, lack of action or standard of service, then a specific agenda item must be included for the meeting for members to consider and make a decision on the complaint.
- c. When the meeting has been reconvened, the Parish Council shall decide whether the circumstances of the complaint warrant the exclusion of the public and press whilst the matter is being considered.
- d. The Parish Council shall consider the complaint at the meeting and shall, wherever possible, make a decision at that meeting on whether to take further action or not regarding the complaint.
- e. If a complaint takes more time to investigate than a single meeting of the Parish Council will allow, the complainant shall be kept informed of the Parish Council's actions and any progress that has been made.
- f. The Clerk to the Council or Chair of the Council shall bring any written complaint which cannot be settled to the next meeting of the full Parish Council and the Clerk to the Council shall notify the complainant of the date on which the complaint will be considered further.

### **Complaints against the Clerk to the Council**

Complaints regarding the conduct of the Clerk to the Council shall be considered in the following manner.

- a. Any complaint regarding the conduct of the Clerk to the Council shall be considered by an elected committee, of three members of the Council elected for that purpose.
- b. At the meeting, the designated committee shall decide whether the circumstances of the complaint warrant the exclusion of the public and press whilst the matter is being considered.
- c. The complainant or the complainant's representative shall be given the opportunity to speak during the meeting. The complainant or complainant's representative should then outline the grounds for complaint and thereafter may be asked questions by Members or the Clerk to the Council.
- d. The Clerk to the Council will be given an opportunity to speak and questions may be given by the complainant or members of the committee.
- e. The Clerk to the Council and the complainant will then be asked to leave the room whilst committee members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.
- f. The Clerk to the Council and the complainant shall be given the opportunity to wait for the decision, but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is to be communicated to them.

The decision, and any further action to be taken, shall be confirmed in writing to the complainant within seven clear working days.

Any decision on a complaint shall be announced at the next Parish Council Meeting, in public.

A file of all complaints received shall be kept by the Clerk to the Council and each complaint shall be held for a period of two years following a conclusion reached.

If the complainant is unsatisfied with the decision made by the Council, they may take their complaint to another body for settlement (NALC, SLCC).